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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:

Office: TEXAS SERVICE CENTER

Date: **MAY 28 2010**

IN RE:

Petitioner:

Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

INSTRUCTIONS: This is the decision of the Administrative Appeals Office (AAO) in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

DISCUSSION: The immigrant visa petition was denied by the Director, Texas Service Center. The matter is now before the AAO on certification. On April 26, 2010, the petitioner requested that the matter be withdrawn. The regulation at 8 C.F.R. § 103.2(b)(6) states that an application or petition may not be withdrawn once a decision is issued by U.S. Citizenship and Immigration Services. Notwithstanding this provision, even if the grounds of ineligibility identified by the director were withdrawn by the AAO on certification, this request to withdraw the petition now renders it subject to automatic revocation without prior notice. 8 C.F.R. § 205.1(a)(3)(iii)(C). Therefore, as the request to withdraw the petition was received before the issuance of the AAO's decision, the issues in this proceeding are now moot, and the petition will be denied.

ORDER: The petition is denied.

Perry Rhew

Chief, Administrative Appeals Office